

## Phoenix hospital still belongs to Catholic Health Association

Jerry Filteau | Jan. 14, 2011



St. Joseph's Hospital and Medical Center in Phoenix (AP/Ross D. Franklin)

**WASHINGTON** -- St. Joseph's Hospital and Medical Center in Phoenix is still a member of the Catholic Health Association although Phoenix's bishop has declared it is no longer Catholic, the association said in response to an *NCR* inquiry.

It, like all hospitals in large Catholic health systems, has its membership through its system office, the association said.

It also noted, however, that membership rules are slated to be reviewed and possibly changed this June when the association holds its annual national assembly. Those rules, in Article IV of the bylaws, are somewhat opaque and subject to rather broad interpretation.

The association said the chief impetus for the possible changes in membership rules comes not from the Phoenix situation, but from Boston, where a six-hospital Catholic system, Caritas Christi, was sold late last year to the New York-based for-profit system, Cerberus Capital Management.

Going back to Phoenix, St. Joseph's was founded by the Sisters of Mercy in 1895 and is part of San Francisco-based Catholic Healthcare West. Catholic Healthcare West, which includes some 40 hospitals in California, Nevada and Arizona, is one of the largest hospital systems in the United States. Many Catholic Healthcare West hospitals were founded by the Mercy Sisters, but the system also includes facilities founded by several other Catholic religious orders, including Dominican and Franciscan congregations, and several non-Catholic hospitals.

Phoenix Bishop Thomas J. Olmsted stripped St. Joseph's of its Catholic identity Dec. 21, saying he could not verify that the hospital provides health care consistent with authentic Catholic moral teaching.

The bishop's decree came after he and the hospital and its parent system reached an impasse over whether a November 2009 procedure was a violation of Catholic moral teaching and church law.

The hospital and Catholic Healthcare West contended that doctors saved a pregnant woman's life by surgically

removing the placenta because it was secreting hormones that exacerbated her extreme pulmonary hypertension and placed her in imminent danger of death. In the hospital and Catholic Healthcare West's view, the death of her 11-week unborn child, who was also necessarily surgically removed in the operation, was an inevitable but unintended abortion -- and was therefore comparable to longtime morally accepted Catholic practices of indirect abortion.

Olmsted disagreed and determined that the 2009 procedure at St. Joseph's constituted a direct, intended abortion as a means to save the mother's life. In Catholic teaching, if the abortion is direct and intended, it is morally prohibited even if it is the only means available to save the life of the mother.

In an interview with *The Catholic Sun*, his diocesan newspaper, Olmsted also cited the affiliation with Catholic Healthcare West of the Chandler Regional Medical Center -- a non-Catholic, nonprofit community hospital that was established in 1961 in Chandler, Ariz., and joined the system in 1999.

Chandler says on its Web site, "In 1998, the hospital came to the decision that in order to continue to grow, it must affiliate with a larger system that shares the Chandler Regional Hospital nonprofit, mission-driven philosophy. After months of considering possible partners, Chandler Regional Hospital chose to merge with Catholic Healthcare West (CHW), the parent company of St. Joseph's Hospital and Medical Center and [St Joseph's nationally renowned] Barrow Neurological Institute. The affiliation was completed in December 1999."

It adds: "Although non-Catholic community hospitals [that affiliate with Catholic Healthcare West] are not bound by the [U.S. bishops'] "Ethical and Religious Directives for Catholic Health Care Services," they do agree to abide by the CHW Statement of Common Values, a declaration of the commitments and values shared by CHW and the non-Catholic hospital. In all cases, affiliating non-Catholic hospitals agree not to perform abortions, euthanasia, or in vitro fertilization while part of CHW."

(A minor note: In 2007 Chandler changed the end of its official name from "hospital" to "medical center.")

Most notably absent from the agreement Chandler cited, for those familiar with the bishops' ethical and religious directives, are questions of providing artificial birth control and voluntary sterilization services, both strictly prohibited by the directives.

On the other hand, the Chandler statement indicates at face value that even in its operations in the state Medicaid Mercy Care program, it does not perform abortions even in cases of rape or incest, which are allowed by federal law under Medicaid funding.

According to *The Catholic Sun*, however, on Dec. 21 Olmsted said Catholic Healthcare West "has been responsible for a litany of practices in direct conflict with Catholic teaching. These include: contraceptive counseling, provision of various forms of contraception, voluntary sterilization, and abortions "due to the mental or physical health of the mother or when the pregnancy is the result of rape or incest." "

Olmsted provided no evidence for his claim that the most serious of those alleged conflicts, abortion for any of the reasons he cited, was in fact being practiced at Chandler.

Catholic Healthcare West says in its "Statement of Mission, Vision and Values" regarding its non-Catholic partners:

"1) Direct abortion is not performed. Indirect abortion is performed in certain medically indicated cases. An indirect abortion is a termination of pregnancy that is not directly intended and in which the sole purpose is the cure of a proportionately serious pathological condition of the mother, when the treatment cannot be safely

postponed until the fetus is viable.

2) Assisted suicide, physician aid-in-dying or euthanasia is not performed. These are to be distinguished from allowing the natural process of dying to occur by withholding or withdrawing treatment because the treatment is too burdensome or does not provide proportionate benefit. Assisted suicide, physician aid-in-dying or euthanasia also should be distinguished from appropriate decisions regarding pain management that have been addressed in this document.

3) Artificial reproductive procedures, including donor insemination and in vitro fertilization, are not performed.

How and to what degree a Catholic institution can collaborate with a non-Catholic individual or institution that does not necessarily follow all church teachings is an ongoing issue in many fields and the subject of innumerable books and essays by moral theologians and ethicists, encompassing issues from ecumenical and interreligious collaboration, to justice, human rights and peace questions, to politics, to medical ethics.

But what prompted Olmsted to judge St. Joseph's no longer Catholic -- apart from the theologically disputed question of whether the 2009 procedure to save a pregnant mother's life was a direct abortion -- and also to declare Catholic Healthcare West outside the realm of Catholic orthodoxy or orthopraxis in its policies on relations with non-Catholic hospitals within its system remains a question likely to haunt many Catholic hospital systems for years to come unless some resolution is reached.

The Catholic Health Association said it "does not enter into" questions of how "individual Catholic facilities and systems work with their local ordinary [bishop]," and it recognizes the local bishop's "complete authority regarding the interpretation of" the bishops' ethical and religious directives.

But it also said that questions of the Catholicity of hospitals and systems traditionally part of the association face possible review when the association holds its national general assembly in June.

"Several activities in Catholic health care, most notably the change in structure of Boston-based Caritas Christi Health Care, necessitated this review," it said.

The six-hospital Caritas Christi system in the Boston archdiocese, which in recent years broached several different approaches to reaching financial stability while remaining a Catholic system, was sold this past November for more than \$800 million to Cerberus Capital Management.

This turned the traditionally Catholic and nonprofit hospitals into for-profit entities managed by a secular entity noted for acquisitions devoted to improving its financial bottom line.

On its relationship with the U.S. Catholic bishops, the association said it is in "continual dialogue" both with the bishops' national conference and individual bishops.

"There are multiple projects that we [the association and the bishops' conference] continue to work on, including protection of life legislation, immigration legislation, climate change legislation and relief efforts in Haiti, to name a few," the association said. "There are many issues that we are in complete agreement on and have continued to work diligently towards both as individual dioceses and as a unified ministry."

In an obvious reference to last year's split on the Obama health care reform bill -- which the bishops' conference opposed but would have unequivocally endorsed apart from its judgment that it opened the doors to wider federal funding of abortions, but the association judged to provide adequate protections against such wider abortion funding -- the association told *NCR*, "We only had one difference of opinion and throughout it

we have maintained cordial and productive relations.?

[Jerry Filteau is *NCR* Washington correspondent.]

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